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PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION**1919 M STREET N.W. WASHINGTON, D.C. 20554**

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DA 97-2330

Approved by OMB

3060-0756

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November 6, 1997

**COMMENTS REQUESTED ON APPLICATION BY BELL SOUTH CORPORATION,
BELL SOUTH TELECOMMUNICATIONS, INC., AND BELL SOUTH LONG
DISTANCE, INC. FOR PROVISION OF IN-REGION, INTERLATA SERVICES IN
LOUISIANA
(CC DOCKET NO. 97-231)**

On November 6, 1997, BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. (collectively, BellSouth) filed an application for authorization to provide in-region, interLATA service in Louisiana, pursuant to section 271 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 271. This Public Notice establishes certain procedural requirements relating to the Commission's processing of that application. The Commission in a prior Public Notice adopted other procedural requirements that apply to the processing of this and all other applications for authorization under section 271 of the Act.¹ A copy of that earlier Public Notice is attached hereto. Also attached is a protective order adopted today, Application of BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana, Protective Order, DA 97-2331 (Comm. Car. Bur. rel. Nov. 6, 1997), that establishes the conditions under which access to confidential documents submitted in this proceeding by BellSouth or any other party will be made available.

Comments By Interested Third Parties. Comments in support of or opposition to the BellSouth application by interested third parties must be filed on or before **November 25, 1997**.

¹ See Revised Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act, Public Notice, FCC 97-330 (rel. Sept. 19, 1997) (OMB Control No. 3060-0756).

State Commission and Department of Justice Written Consultations. The Louisiana Public Service Commission (Louisiana Commission) must file any written consultation on or before **November 25, 1997**. Any written consultation by the Department of Justice (which, by the Act's express terms, must become part of the record) must be filed on or before **December 10, 1997**.

Replies. All participants in the proceeding -- the applicant, interested third parties, the Louisiana Commission, and the Department of Justice -- may file a reply to any comments filed by any other participant on or before **December 19, 1997**.

Treatment of Confidential Information. Submissions by parties (including BellSouth, the Department of Justice, and the Louisiana Commission) that contain no confidential information or that do not comment on any confidential information submitted by other participants in the proceeding shall be filed in conformance with the procedures set forth in the attached Public Notice.² To the extent a submission includes confidential information or comments on confidential information that another participant has submitted, the party filing that submission shall, consistent with the attached Public Notice, file an original and six copies of a public (*i.e.*, redacted) version of its submission with the Secretary. Also, consistent with the attached Public Notice, each redacted filing must be submitted on a 3.5 inch computer diskette formatted in WordPerfect 5.1. In addition, consistent with the attached Public Notice, the party shall file an original and six copies of a confidential (*i.e.*, unredacted) version of its submission. All questions relating to access to confidential information submitted by BellSouth should be directed to Michael Kellogg, Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C., 1301 K St., NW, Suite 1000 West, Washington, DC 20005, Phone: (202) 326-7900.

Ex Parte Rules - Permit-but-Disclose Proceeding. Because of the broad policy issues involved, section 271 application proceedings initially will be considered permit-but-disclose proceedings.³ Accordingly, *ex parte* presentations will be permitted, provided they are disclosed in conformance with Commission *ex parte* rules.⁴ Because of the statutory time frame, however, the Commission strongly encourages parties to set forth their views comprehensively in the formal filings specified above (*e.g.*, written consultations, oppositions, supporting comments, etc.) and not to rely on subsequent *ex parte* presentations. In any event, parties may not file more than a total of 20 pages of written *ex parte* submissions. This 20-page limit does not include: (1) written *ex parte* submissions made solely to disclose an oral *ex parte* contact; (2) written material submitted at the time of an oral presentation to Commission staff that provides a brief outline of the presentation; (3) written material filed in response to direct requests from Commission staff; or (4) written factual exhibits. *Ex parte* submissions in excess of the 20-page limit will not be considered part of the record.

² See Revised Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act, *supra*.

³ See *id.* at §§ 1.1200(a), 1.1206.

⁴ See *id.* at §§ 1.1202, 1.1206(b).

For purposes of this proceeding, any oral *ex parte* presentations from the Department of Justice and the Louisiana Commission will be deemed to be exempt *ex parte* presentations. To the extent that the Commission obtains through such oral *ex parte* presentations new factual information on which the Commission subsequently relies in its decision-making process, the Commission will request the party submitting the information (the Department of Justice or the Louisiana Commission) to disclose such new factual information in the record, unless such a disclosure is made by the Commission itself, no later than the time the Commission releases its decision. We also waive any page limits for written *ex parte* submissions by the Department of Justice or the Louisiana Commission.

Notwithstanding the above, the Commission may, by subsequent public notice, prohibit all presentations to its decision-making personnel regarding the application during a seven-day period preceding the anticipated release date of the Commission's order regarding the application.⁵

FCC Notice to Individuals Required by the Privacy Act and the Paperwork Reduction Act. Pursuant to Section 271 of the Communications Act of 1934, as amended, the Bell Operating Companies must file applications to provide in-region, interLATA services on a state-by-state basis. The Louisiana Commission must file any written consultation relating to this application by BellSouth not later than November 25, 1997, which is 19 days after the issuance of this Public Notice establishing specific due dates for various filings. Interested third parties may file comments on this application by BellSouth not later November 25, 1997, which is 19 days after the issuance of this Public Notice. Any written consultation by the Department of Justice relating to this application by BellSouth must be filed not later than December 10, 1997, which is 34 days after the issuance of this Public Notice. Any participants in this proceeding may file reply comments on this application by BellSouth not later than December 19, 1997, which is 43 days after the issuance of this Public Notice. All of the information will be used to ensure that BellSouth has complied with its obligations under the Communications Act of 1934, as amended, before being authorized to provide in-region, interLATA services in Louisiana pursuant to section 271. Obligation to respond is not mandatory.

We have estimated that each response to this collection of information will take, on average, 250 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Washington, DC 20554, Paperwork Reduction Project (3060-0756). We will also accept your comments via the Internet if you send them to jboley@fcc.gov. Please DO NOT SEND COMPLETED APPLICATION FORMS TO THIS ADDRESS.

⁵ Cf. §§ 1.1200(a)-(b); 1.1203.

Remember -- You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0756.

This notice is required by the Privacy Act of 1974, Public Law 93-579, December 31, 1974, 5 U.S.C. Section 552a(e)(3) and the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, 44 U.S.C. 3507.

By the Acting Chief, Common Carrier Bureau

News Media contact: Rochelle Cohen (202) 418-1500.

FCC Common Carrier Bureau contact: Linda Kinney (202) 418-1580.

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